

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of



Confirmation No.: 7300

PALESTINI et al.

Allowed: March 18, 2004

Serial No. 09/598,608

Atty. Ref.: 3572-18

Filed: June 21, 2000

Group: 2876

Examiner: D. Hess

For: **APPARATUS AND METHOD FOR ACQUIRING AND
READING OPTICAL CODES WITH RESULT
INDICATION**

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**COMMENTS ON REASONS FOR ALLOWANCE AND
OTHER MATTERS**

Sir:

I. Clarification of remarks in the February 17, 2003 Amendment

Applicants wish to clarify some remarks presented in the Amendment filed February 17, 2003.

1. In Remarks §B, page 18, it was incorrectly stated that claim 65 depends on claim 39. For clarification, claim 65 depends on claim 32.

2. The support for new claim 62, discussed in the paragraph of Remarks §B bridging pages 18 and 19, is the embodiment of figure 3 and page 16 line 28 to page 17, line 3 and page 17 lines 8-12: an optical element (lens 62) and a mechanical element (support 52) are shared.

3. At several instances Remarks §B incorrectly cites support for new claims as being understood with reference to other "allowed" claims. By way of correction, claims 61+ were new claims, and hence not allowed. Please note the following specific clarifications:

- new claim 68 is supported essentially by, e.g., similar sections of the original disclosure that support claim 64 (e.g., page 10, lines 35 – 36 of the specification).
- new claim 71 is supported essentially by, e.g., similar sections of the original disclosure that support claim 61.
- new claim 74 is supported essentially by, e.g., similar sections of the original disclosure that support claim 64.

4. Please also note that the last sentence of Remarks §B should refer to claim 73 rather than claim 72, and thus should read as follows: -- For Previously Presented dependent claim 73, see allowed claims 39 and 43 taken in combination. -- .

II. Applicants' Comments on Reasons for Allowance

The Reasons for Allowance which accompany the Notice of Allowability refer to the Reasons for Allowance previously included in an earlier office action. Should the Examiner have overlooked Applicants' comments on the Reasons as submitted in Applicants' February 17, 2004 Amendment, and/or to stress Applicants' continued assertion of those Comments (should the Reasons for Allowance which accompany the Notice of Allowability be deemed to reiterate those Reasons), Applicants repeat their Comments below (pertaining to the Examiner's ostensible reasons for allowance as articulated in the fourth enumerated paragraph of the Office Action dated October 14, 2003).

The Examiner correctly acknowledges that Matsumoto merely uses color differentiation, that cannot be said to be equivalent to shape. He also states that Matsumoto fails to teach aiming different-sized figures at the barcode. However, he states that term “figure” is understood as indicating a differentiation based on shape. Claims 1, 18, 26, 32, 37, 38 do cover differentiation based on size only.

As explained in the Office Action, Claim 19 distinguishes over the prior art, e.g., because Matsumoto fails to teach discriminating between at

least three results. Claim 19 uses the term “luminous information”. The luminous information may well be of a shape identical to that of the acquisition light pattern.

Claim 39 distinguishes over Matsumoto because, e.g., the optical elements of the visually indicating means are distinct from the illumination optics. Again, the figure formed at the optical code may well be of a shape identical to that of the acquisition light pattern.

Claims 46 and 54 distinguish over Matsumoto because, e.g., each luminous figure(s) that is generated for each discriminated result is always distinguishable from the acquisition light pattern. The way of distinguishing may be any one or more of shape, size, switching on/off frequency, etc., but also only color (see e.g. the embodiment using multi-chip LEDs on the paragraph bridging pages 18 and 19). Indeed, Matsumoto teaches to use a distinguishing luminous figure only in the case of a positive result (green light), but not in the case of a negative result.

In the reader of Matsumoto, the user is not actually prompted with information that a code has not been read. The user needs to let a certain time lapse without seeing the green light before realizing that the reader is unable (for any of several reasons) to read the code. Because a reader commonly attempts several acquisitions and decodings, the time needed to lapse may be considerably long. Especially in prolonged use of the reader, this undefined waiting time may be very frustrating.

According to claims 46 and 54, conversely, the user is provided with an explicit feedback that the reading attempt has come to a result, either positive or negative or whatever. For example, in case of a negative result, the user is prompted that the reader is unable to read the code immediately as the reader “realizes” it. If, for example, as from the very first acquisition and decoding it turns out that the code is not of the types the reader is able to read, much time may be saved.

Furthermore, by further providing, e.g. as claimed in claims 56, that the visual information at the optical code contains some information associated with the reason why the code was not read, the user will be prompted with the failure cause, and may then take appropriate actions to arrive at success or give up further attempts.

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Similarly, by the further provision of claim 57, the user will not only be made aware of a successful reading, but he/she will also prompted with some useful information related to the code that was read.

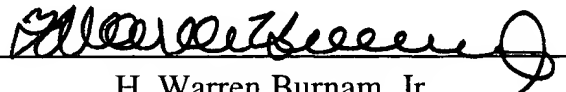
The undersigned appreciates the opportunity to clarify these remarks and address these issues.

Respectfully submitted,

NIXON & VANDERHYE P.C.

May 10, 2004

By:



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RESPONSE UNDER RULE 312
EXPEDITED HANDLING PROCEDURES**

In re Patent Application of

Atty Dkt. 3572-18

C# M#

PALESTINI et al.

TC/A.U.

2876

Serial No. 09/598,608

Examiner: D. Hess

Filed: June 21, 2000

Date: May 10, 2004

Title: APPARATUS AND METHOD FOR ACQUIRING AND READING OPTICAL CODES
WITH RESULT INDICATION



Mail Stop Issue Fee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment	73	minus highest number			
previously paid for	73	(at least 20) =	0	x	\$ 18.00
					\$ 0.00

Independent claims after amendment	11	minus highest number			
previously paid for	11	(at least 3) =	0	x	\$ 86.00
					\$ 0.00

If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper)	\$ 0.00
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Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months)	\$ 0.00
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Terminal disclaimer enclosed, add \$ 110.00	\$ 0.00
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<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00)	\$ 0.00
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☐ Please enter the previously unentered , filed

☐ Submission attached

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract	-\$ 0.00
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☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)	\$ 180.00
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Assignment Recording Fee (\$40.00)	\$ 0.00
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Other:	0.00
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TOTAL FEE ENCLOSED \$ 180.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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Signature: H. Warren Burnam, Jr.